

R E M A R K S

This amendment is responsive to the Office Action that was mailed March 25, 2005 (hereinafter "Office Action").

Applicants extend their gratitude to the examiner for her assistance with this application, particularly during a telephone interview with Applicants' representative, Frank Turner, on July 7, 2005.

Priority

The Office Action noted that the captioned application is intended to claim the benefit of Application No. 60/255,348, filed December 13, 2000, but also noted that a reference to the earlier filed application is not included in the specification. Applicants' benefit claim was previously recognized by the Office as shown by its inclusion on the filing receipt mailed January 16, 2002. Applicants submit herewith an updated application data sheet that is in compliance with 37 C.F.R. §1.76 to perfect this benefit claim under M.P.E.P. §201.11.

Amendments to the Specification

The specification has been amended to address each of the informalities noted in the Office Action. Specifically, paragraphs 0031, 0032, 0038 and 0042 have been amended to address the inconsistent labeling of the elements shown in FIG. 1. Paragraph 0036 has been amended to insert reference letter "P" following "a hydrogen rich gas." Paragraph 0041 has been amended to correct the reference number associated with the "third heat exchanger" shown in FIG. 3. Paragraphs 0007 and 0045 have been amended to correct the use of the trademark **INCONEL®**, U.S. Registration No. 308,200, and to recite the generic terminology of the goods associated with the mark. No new matter has been introduced by any of these amendments.

Corrections To The Drawings

Applicant has corrected FIG. 1 by replacing the letter F with F' to refer to the cooling process step that occurs intermediate process steps E and G. A replacement sheet for each of FIGs. 1-3 is enclosed herewith.

Amendments To The Claims

Claim 1 has been cancelled without prejudice.

Claim 3 has been amended to incorporate the limitations of claim 1 and to further recite that the compact fuel processor comprises a reactor feed tube for routing a preheated fuel from the heat exchanger to the first reaction zone. Support for the amendment can be found in original claim 1, the specification as filed, including but not limited to page 11, lines 1-6 and page 13, lines 7-11, and in FIGs. 2 and 3. No new matter is introduced by the amendment of claim 3.

Claims 2, 6 and 7 have been amended to correct their dependency.

Claim 8 has been cancelled without prejudice.

Claim 10 has been amended to incorporate the limitations of claim 8 and to further recite that the compact fuel processor comprises a reactor feed tube for routing a preheated fuel from the heat exchanger to the first reaction zone. Support for the amendment can be found in original claim 8, the specification as filed, including but not limited to page 11, lines 1-6 and page 13, lines 7-11, and in FIGs. 2 and 3. No new matter is introduced by the amendment of claim 10.

Claims 9, 11-12, and 14 have been amended to correct their dependency.

Claim 17 has been cancelled without prejudice.

Claim Rejections Under 35 U.S.C. §112 (2nd ¶)

The cancellation of claim 17 is believed to overcome this rejection.

Claim Rejections Under 35 U.S.C. §102(b)

Claims 1, 6-8, 11-12 and 14-15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Clawson. As noted above claims 1 and 8 have been cancelled without prejudice. The rejections of claims 6, 7, 11-12 and 14-15 are believed to be overcome by the amendment of these claims to depend from amended claims 3 and 10. Further, the recitation in amended claims 3 and 10 of a reactor feed tube for routing a preheated fuel from the heat exchanger to a first reaction zone is not taught in Clawson. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §102(e)

Claims 1-5, 7-12 and 14-17 stand rejected under 35 U.S.C. §102(e) as being anticipated by Krause (US 2002/0094310). The amendment of claims 3 and 10 to recite a reactor feed tube for routing a preheated fuel from the heat exchanger to a first reaction zone is believed to overcome this rejection since this structure is not taught in Krause.

Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-14 stand rejected under 35 U.S.C. §102(e) as being anticipated by Deshpande (U.S. Patent No. 6,824,577), hereinafter "Deshpande '577." The amendment of claims 3 and 10 to recite a reactor feed tube for routing a preheated fuel from the heat exchanger to a first reaction zone is believed to overcome this rejection since this structure is not taught in Deshpande '577.

Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1, 8, 11-12 and 14 stand rejected under 35 U.S.C. §102(e) as being anticipated by Deshpande (US 2002/0090327), hereinafter "Deshpande '327." The amendment of claims 3 and 10 to recite a reactor feed tube for routing a preheated fuel from the heat exchanger to a first reaction zone is

believed to overcome this rejection since this structure is not taught in Deshpande '327.

Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1, 8, 11-12 and 14 stand rejected under 35 U.S.C. §102(e) as being anticipated by Deshpande (US 2002/0083646), hereinafter "Deshpande '646." The amendment of claims 3 and 10 to recite a reactor feed tube for routing a preheated fuel from the heat exchanger to a first reaction zone is believed to overcome this rejection since this structure is not taught in Deshpande '646.

Reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 16-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Clawson. Specifically, it is asserted by the Office that all of the limitations of claim 16 are disclosed in Clawson. The amendment of claim 10 to recite a reactor feed tube for routing a preheated fuel from the heat exchanger to a first reaction zone is believed to overcome this rejection since this structure is neither taught nor suggested in Clawson. As such, claim 16 is believed to be in condition for allowance by virtue of its dependency from amended claim 10. Claim 17 has been cancelled without prejudice.

Claims 2-5, 9-10, and 13 stand rejected as being unpatentable over Clawson as applied to claim 1, and in view of Lesieur and Skala. Lesieur is relied upon by the Office for teaching a fuel processor having an autothermal reforming catalyst and Skala for teaching the use of a preferential oxidation catalyst zone downstream of a water gas shift zone to reduce the carbon monoxide content of a reformat. Regardless of whether there is motivation for modifying the device of Clawson with the teachings of Lesieur and/or Skala, Applicants maintain that such a modified device would not read on amended

claims 3 or 10. Specifically, the device of Clawson, as modified in the manner suggested by the Office, would not include a reactor feed tube for routing a preheated fuel from the heat exchanger that is positioned internally within a cylinder or reaction chamber filled with a plurality of catalysts, to a first reaction zone located within the cylinder or reaction chamber.

Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 6 and 13 stand rejected under 35 U.S.C. §103(a) over Krause (US Patent Application Publication No. 2002/0094310). Krause is disqualified as prior art against the claimed invention under 35 U.S.C. §103(c) because the claimed invention and Krause were commonly owned or subject to an obligation of assignment to the same company at the time the invention was made.

Specifically, ***the captioned application, U.S.S.N. 10/023,313, and US Patent Application Publication No. 2002/0094310 were, at the time the invention of U.S.S.N. 10/023,313 was made, were commonly owned by, or were subject to an obligation of assignment to Texaco, Inc.***

Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 15-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Deshpande (US 2002/0090328), hereinafter "Deshpande '328", in view of Bentley. Deshpande '328 is disqualified as prior art against the claimed invention under 35 U.S.C. §103(c) because the claimed invention and Deshpande '328 were commonly owned or subject to an obligation of assignment to the same company at the time the invention was made. Specifically, ***the captioned application, U.S.S.N. 10/023,313, and US Patent Application Publication No. 2002/0090328 were, at the time the invention of U.S.S.N. 10/023,313 was made, were commonly owned by, or were subject to an obligation of assignment to Texaco, Inc.***

Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 2-7, 9-10 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Deshpande '327. Deshpande '327 is disqualified as prior art against the claimed invention under 35 U.S.C. §103(c) because the claimed invention and Deshpande '327 were commonly owned or subject to an obligation of assignment to the same company at the time the invention was made.

Specifically, ***the captioned application, U.S.S.N. 10/023,313, and US Patent Application Publication No. 2002/0090327 were, at the time the invention of U.S.S.N. 10/023,313 was made, were commonly owned by, or were subject to an obligation of assignment to Texaco, Inc.***

Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 2-7, 9-10 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Deshpande '646. Deshpande '646 is disqualified as prior art against the claimed invention under 35 U.S.C. §103(c) because the claimed invention and Deshpande '646 were commonly owned or subject to an obligation of assignment to the same company at the time the invention was made.

Specifically, ***the captioned application, U.S.S.N. 10/023,313, and US Patent Application Publication No. 2002/0083646 were, at the time the invention of U.S.S.N. 10/023,313 was made, were commonly owned by, or were subject to an obligation of assignment to Texaco, Inc.***

Reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections - Double Patenting

Claims 1-17 stand provisionally rejected under the judicially created doctrine of obviousness-type double-patenting as being unpatentable over claims 1-30 of co-pending Application No. 10/006,963 ("963 Application"). Applicants' terminal disclaimer in compliance with 37 C.F.R. § 3.73(b) is submitted herewith

to overcome the obviousness-type double-patenting rejections based upon the '963 Application.

Claims 1-14 stand rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,824,577 ("577 Patent"). Claims 15-17 stand rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,824,577 in view of Bentley. Applicants' terminal disclaimer in compliance with 37 C.F.R. § 3.73(b) is submitted herewith to overcome the obviousness-type double-patenting rejections based upon the '577 Patent.

For clarification, it should also be noted that numbered paragraphs 23 and 24 of the Office Action indicate that these obviousness-type double-patenting rejections were based upon "claims 1-21" of the '577 Patent. The Applicants extend their thanks to the examiner for clarifying that these paragraphs should have referred to claims 1-13 of the '577 Patent.

Claims 1-14 stand provisionally rejected under the judicially created doctrine of obviousness-type double-patenting as being unpatentable over claims 1-24 of co-pending Application No. 10/021,673 ("673 Application"). Applicants' terminal disclaimer in compliance with 37 C.F.R. § 3.73(b) is submitted herewith to overcome the obviousness-type double-patenting rejections based upon the '673 Application.

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All of the stated grounds of objection and rejection are believed to have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete response has been made to the outstanding Office Action and,

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as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Frank C. Turner", is written over a horizontal line.

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